

**WRITTEN TESTIMONY OF
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U.S. DEPARTMENT OF COMMERCE**

**BEFORE THE
RESOURCES SUBCOMMITTEE ON FISHERIES AND OCEANS
U.S. HOUSE OF REPRESENTATIVES**

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Good morning, Mr. Chairman and Members of the Subcommittee. Thank you for the opportunity to join you today. I am Dr. William Hogarth, Administrator for Fisheries, at the National Oceanic and Atmospheric Administration (NOAA), in the Department of Commerce.

NOAA's mission is to conserve and manage coastal and marine resources to meet our nation's economic, social, and environmental needs. Today I will briefly review the management and recovery of the striped bass stock, and the history and current status of NOAA's review and rulemaking process for opening the U.S. Exclusive Economic Zone (EEZ) to the harvest of striped bass.

Management and Recovery of Atlantic Striped Bass

Striped bass management within state jurisdictions is based on the Atlantic States Marine Fisheries Commission's (Commission) *Atlantic Striped Bass Interstate Fishery Management Plan (Plan)*. States along the Atlantic coast adopted the *Plan* in 1981. Under *The Atlantic Striped Bass Conservation Act*, states are required to comply with the *Plan*. The management measures in the *Plan* have been successful in reducing coast-wide fishing mortality to a level that has allowed the striped bass stocks to recover. These state-water measures have included size limits, seasonal closures, recreational daily bag limits, and annual commercial catch quotas. The recovery of Atlantic striped bass populations represents a resource management success story.

From an over-fished state in the mid-1980s, coastal stocks have recovered to high levels of abundance due to the coordinated actions of all management partners. This success has provided increased fishing opportunities in coastal states from Maine through North Carolina. In 1982, the abundance of striped bass stock stood at 4.8 million fish coast-wide, and today is estimated to be at 65.3 million fish. The recovery of striped bass stocks clearly demonstrates that cooperative management by coastal states, federal agencies, and user groups is effective.

NOAA shares jurisdiction over striped bass with the U.S. Fish and Wildlife Service in the U.S. Department of the Interior. *The Atlantic Striped Bass Conservation Act* is the most important federal statute responsible for the recovery of coastal migratory stocks of striped bass. The federal government is responsible under the *Striped Bass Act* to manage striped bass in the EEZ in support of the Commission. Federal regulations must be consistent with the National Standards in the *Magnuson-Stevens Fishery Conservation and Management Act*, and they must also be compatible with the Commission's *Plan*.

Proposals and Recommendations for Atlantic Striped Bass Fishing in the EEZ

Due to the severe depletion of the striped bass stocks, we implemented a federal ban on the commercial and recreational harvest and possession of striped bass in the EEZ in November 1990. This action was taken to support the efforts of the Commission to recover striped bass along the East Coast, and the EEZ currently remains closed to the harvest of striped bass.

In January 1995, the Commission reported that Atlantic coast striped bass stock had rebuilt to the level required by the *Plan* and was fully restored. Subsequently, in July 1995, the Commission recommended that NMFS open the EEZ to striped bass fishing, and NMFS published a proposed rule to do so. However, five months later the Commission requested that NMFS maintain the moratorium until at least 1997 and, as a result, the rule was withdrawn and the EEZ fishery remained closed.

In 2003, the Commission once again recommended that the EEZ be open to the harvest of striped bass. Proposed management regulations for the EEZ included a minimum size limit of 28 inches and a provision allowing states to adopt more restrictive regulations for fishermen and vessels licensed in their states. We conducted nine public scoping hearings in November and December 2003 to collect information to develop a Draft Environmental Impact Statement (DEIS). However, in September 2004, stock assessment information was released that created uncertainty regarding the status of the stock. Due to this uncertainty, NMFS decided to hold off the completion and release of a DEIS.

Another assessment was conducted in 2005 that indicated that the striped bass stock was not overfished, and overfishing was not occurring. Given this new assessment information, NMFS provided the public an additional opportunity to provide comments on options to open the EEZ to commercial and recreational striped bass harvest in April 2006 through a scoping document. A total of four options were considered in this document and no preferred option was identified. The options included:

1. Open the entire EEZ, implement a 28-inch minimum size limit, and allow states to adopt more restrictive regulations for fishermen and vessels licensed in their state (the Commission's recommendation).
2. Open the entire EEZ, implement a 28-inch minimum size limit, and allow states to adopt more restrictive regulations for fishermen and vessels licensed in their state. Implement a recreational

bag limit of two fish per day, require circle hooks for all commercial and recreational hook and line fishing using bait, and commercial trip limits and bycatch trip limit options.

3. Open the entire EEZ, implement a 28-inch minimum size limit, allow states to adopt more restrictive regulations for fishermen and vessels licensed in their state. Allow hook and line gear only, implement a recreational bag limit of two fish per day, require circle hooks for all commercial and recreational hook and line fishing using bait, and implement a commercial trip limit of 30 fish per trip or day, whichever is greater.

4. Maintain status quo — continue moratorium in the EEZ.

The comment period for scoping ended on June 26, 2006, and over 8,000 public comments were received. NMFS is reviewing those comments, and based on this review and the identification of any new information, we will decide how to move forward. Should NMFS decide to go forward with rulemaking, a Draft Environmental Impact Statement will be completed identifying a number of alternatives including our preferred alternative. This document will also provide detailed analyses associated with those alternatives. Both a DEIS, and associated proposed rule, would be released for public review and comment before any changes are made to the current regulations.

Conclusion

NOAA understands the importance of the striped bass fishery to the states and fishermen along the Atlantic coast. We will continue to work closely with our constituents, the states, and the Commission on this important issue to ensure the best management of this important resource.

Thank you again, Mr. Chairman. I am happy to respond to any questions that you, or Members of the Committee, may have.